

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MONTEREY BAY MILITARY HOUSING,  
LLC, MONTEREY BAY LAND, LLC,  
MEADE COMMUNITIES LLC, FORT  
BLISS/WHITE SANDS MISSILE RANGE  
HOUSING LP, RILEY COMMUNITIES  
LLC, FORT LEAVENWORTH FRONTIER  
HERITAGE COMMUNITIES, I, LLC, FORT  
LEAVENWORTH FRONTIER HERITAGE  
COMMUNITIES, II, LLC, CARLISLE/  
PICATINNY FAMILY HOUSING LP,  
BRAGG COMMUNITIES LLC, FORT  
DETRICK/WALTER REED ARMY  
MEDICAL CENTER LLC, PICERNE-FORT  
POLK FUNDING, LLC, RUCKER  
COMMUNITIES LLC, STEWART  
HUNTER HOUSING LLC, SILL HOUSING,  
LLC, AETC HOUSING LP, AMC WEST  
HOUSING LP, LACKLAND FAMILY  
HOUSING, LLC, and VANDENBERG  
HOUSING LP,

Plaintiffs,

- vs. -

AMBAC ASSURANCE CORPORATION,  
JEFFERIES MORTGAGE FINANCE, INC.,  
JEFFERIES & COMPANY, INC.,  
JEFFERIES LLC, JEFFERIES GROUP LLC,  
DANNY RAY, and CHETAN MARFATIA,

Defendants.

**ORDER**

19 Civ. 9193 (PGG)

PAUL G. GARDEPHE, U.S.D.J.:

Pending before this Court are:

(1) pre-motion letters regarding Defendants' proposed motion for summary judgment (Dkt.

Nos. 789, 795, 796, 797);

- (2) pre-motion letters regarding Plaintiffs' proposed cross-motion for summary judgment as to the Defendants' unclean hands defense (Dkt. No. 790); and
- (3) the parties' letter motions to seal records and deposition testimony. (Dkt. Nos. 791, 793, 798, 805, 808) The parties submitted unredacted copies of their letter motions and exhibits under seal. (Dkt. No. 792, 794, 799, 806, 809, 812)

The following briefing schedule will apply to the parties' cross-motions for summary judgment:

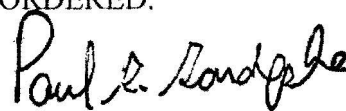
- Moving papers are due on **February 23, 2024**;
- Opposition papers are due on **March 22, 2024**; and
- Reply papers, if any, are due on **April 5, 2024**.

The parties' motions to seal (Dkt. Nos. 791, 793, 798, 805, 808) are denied, because the parties have provided no basis for sealing. Any renewed sealing motion is to be filed by **February 2, 2024**, and will be supported by declarations setting forth particularized reasons justifying such relief and by an analysis of applicable case law, including Lugosch v. Pyramid Co. of Onondaga, 435 F.3d 110, 119-20 (2d Cir. 2006). The parties should be aware that "[i]n general, [their] consent or the fact that information is subject to a confidentiality agreement between litigants is not, by itself, a valid basis to overcome the presumption in favor of public access to judicial documents." Indiv. R. of Prac. II.B (citing In re Gen. Motors LLC Ignition Switch Litig., No. 14-MD-2543 (JMF), 2015 WL 4750774, at \*4 (S.D.N.Y. Aug. 11, 2015)).

The Clerk of Court is directed to terminate the motions pending at Docket Numbers 789-99, 805, and 808.

Dated: New York, New York  
January 26, 2024

SO ORDERED.



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Paul G. Gardephe  
United States District Judge